

MINUTES OF THE CITIZENS' CHARTER REVIEW COMMISSION  
JUNE 15, 2011

STATE OF TEXAS           §  
                                     §  
COUNTY OF BRAZOS       §

**Present:**

Brian Bochner  
Terry Childers  
Chuck Ellison  
Patrick Gendron  
Paul Greer  
Gary Halter  
Tony Jones  
Lynn McIlhaney  
Buck Prewitt

**City Staff:**

Carla Robinson, City Attorney  
Sherry Mashburn, City Secretary

**1. Call to Order and Announce a Quorum is Present**

With a quorum present, the Citizens' Charter Review Commission was called to order by Chair Lynn McIlhaney at 4:00 p.m. on Wednesday, June 15, 2011 in the City Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77842.

**2. Hear Visitors**

There were no citizen comments.

**3. Presentation, discussion and possible action on minutes for June 1, 2011 Regular Meeting.**

**MOTION:** Upon a motion made by Commissioner Halter and a second by Commissioner Prewitt, the Commission voted nine (9) for and none (0) opposed, to approve the June 1, 2011 Regular Meeting minutes. The motion carried unanimously.

**4. Presentation, discussion and possible action on the proposed ballot language for gender neutrality in the Charter.**

Carla Robinson, City Attorney, presented draft language and requested direction. The draft language was:

Section 131. Whenever used in this Charter, a word referring to the masculine gender only shall extend and be applied to females, and where applicable, to firms, partnerships and corporations, unless otherwise expressly provided in this Charter.

Ballot Language: Proposition No. \_\_\_\_\_. Shall the College Station language be amended to make the Charter language gender neutral and by adding a new section 131 to provide that Charter language referring to the masculine gender only shall extend and be applied to females, and where applicable, to firms, partnerships and corporations, unless otherwise expressly provided?

The Commission directed staff to bring this back to the Commission with the redline changes when ready.

**5. Presentation, discussion and possible action regarding peer city comparisons regarding an ethics policy, nepotism and conflicts of interest.**

Carla Robinson, City Attorney, noted that Section 117 already refers to nepotism and compares with some of our peer cities. Our Charter does not conflict with state law. The question was asked if we wish to apply the nepotism rule to unpaid appointees to citizen boards and commissions.

**MOTION:** Upon a motion made by Commissioner Halter and a second by Commissioner Greer, the Commission voted none (9) for and none (0) opposed, to add “or employed” to the body of Section 117 to match the heading. The motion carried unanimously.

The City Attorney also noted that the ethics policy is found in a Council policy. In reviewing peer cities, the trend is not to provide for an ethics policy in the City Charter. This will come back to the Commission in September.

**6. Presentation, discussion and possible action on Article 1, Incorporation: Form of Government: Territory, within the City Charter.**

Carla Robinson, City Attorney, reported that there are no conflicts with State law in this Article and recommends no change.

**7. Presentation, discussion and possible action on Article 2, Corporate and General Powers, within the City Charter.**

Carla Robinson, City Attorney, stated that she reviewed the Article for any language that might be inconsistent with State law. She is still researching the language referencing the railroad corporation in Section 8 Eminent Domain.

In Section 7 Extension of City Limits by the City Council, she recommends adding “in accordance with applicable state annexation laws” in the first and second sentence of the section.

**MOTION:** Upon a motion made by Commissioner Ellison and a second by Commissioner Halter, the Commission voted eight (8) for and one (1) opposed, with Commissioner Gendron

voting against, to add the language proposed by the City Attorney for Section 7. The motion carried.

Staff was directed to remove the language referencing the railroad corporation in Section 8, pending her further research.

**8. Presentation, discussion and possible action on Article 3, The City Council, within the City Charter.**

Carla Robinson, City Attorney, raised an issue in Section 18. She said we may by Charter set the minimum age at 21. Section 21 Vacancies is inconsistent with state law. She recommended removing the inconsistent language and replacing it with "in accordance with state law".

Commissioner Halter recommended changing the terms of office to two years. As for term limits, he believes that is what elections are for. He recommends we eliminate term limits.

Commissioner Bochner suggested four year terms because they would increase continuity and reduce election costs if elections are held every two years. There was also discussion about impacts on city elections that could result from state legislation that is pending the governor's signature. Lengths of terms will be discussed further in subsequent meetings.

Commission consensus was to not consider single-member districts or compensation. Regarding placement of items on the agenda, consensus was to not include that in the charter.

Commissioner Childers asked about the term "inquiry" in Section 24. He also had concerns regarding the language in Section 26 and wants to strengthen the Council-Manager form of government. Staff will research and report back.

Commissioner Ellison had questions related to Sections 24 and 25. Staff will research and report back. He also asked that residency requirements be consistent for all appointed officers.

Commissioner Prewitt asked about the majority requirement for Councilmembers to call a Special Meeting.

**9. Presentation, discussion and possible action on Article 9, Nominations and Elections, within the City Charter.**

This item was postponed to the next meeting.

**10. Presentation, discussion and possible action on the attached Plan of Work, any items on the Plan of work, and possible criteria to be used in order to add items to the Plan of Work.**


This item was not discussed.

**11. Discussion and possible action on future agenda items.**

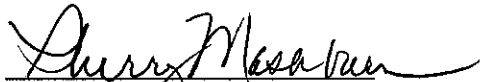
This item was not discussed.

## 12. Adjournment

**MOTION:** Upon a motion made by Commissioner Jones and a second by Commissioner Prewitt, the Commission voted eight (8) for and none (0) opposed, with Commissioner Halter having left early, to adjourn the Regular Meeting of the Citizens Charter Review Advisory Commission at 6:42 p.m. on Wednesday, June 15, 2011. The motion carried unanimously.

  
Chair

ATTEST:

  
City Secretary